

REMARKS

New formal drawings in accordance with the redline versions submitted with the amendment filed on April 8, 2002 are submitted herewith.

This application has been refilled as an RCE as a result of a telephone conversation between the Examiner and the undersigned on June 13, 2003. Because of the correction being made and the final status of the action, the Examiner indicated it would be more appropriate to file an RCE rather than a regular amendment.

The claims were amended to recite a silicon oxide film which contains an Si-H residue of 61% or less based on pages 14 and 15. Unfortunately, that language was associated with the hydrogen transmission preventing film rather than the hydrogen resident film. The amendment to claim 14 made above remedies that error and also makes the rejection under 35 U.S.C. 112, first paragraph, moot.

Claims 14, 16 and 21 were rejected under 35 U.S.C. 103 over the newly cited Jung patent (5,674,759), claim 15 over Jung and Inoue, claim 17 and 18 over Jung and Takahisa, claim 19 over Jung in view of applicants admitted prior art and claim 20 over Jung in view of applicants admitted prior art and Bai. In addition, claims 22, 24, 27 and 28 were rejected under 35 U.S.C. 103 over the same Jung patent in view of Bai and claims 25 and 26 over Jung in view of Bai and Takahisa. All of these rejections are respectfully traverse.

The newly cited Jung patent teaches a structure which includes a silicon dioxide layer 24 which lays between substrate 21 and gate 25. Layer 24 does not cover an MOS type transistor which in the instant claims is stated to include a source, a gate and a drain. Moreover, even though layer 24 is indicated to be silicon dioxide, there is no teaching or suggestion that the layer contains a Si-H residue of 61% or less. Jung

fails to teach or suggest the claimed invention and none of the secondary references or admitted prior art obviates this deficiency.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. According, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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